



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: : Art Unit: 1632
David Charles Baulcombe et al. :
Serial No.: 09/491,549 :
Filed: January 26, 2000 :
For: Gene Silencing :

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JUN 12 2002

TECH CENTER 1600/2900

DECLARATION OF DAVID CHARLES BAULCOMBE AND ANDREW JOHN HAMILTON

We David Charles Baulcombe and Andrew John Hamilton hereby declare:

1. That we are the same David Charles Baulcombe and Andrew John Hamilton who filed an application for Letters Patent, Serial No. 491,549, in the United States Patent and Trademark Office on January 26, 2000, for an invention entitled: "Gene Silencing".

2. We have read and are familiar with the Official Action dated December 4, 2001, in the present application. We understand the nature of the rejection made by the Examiner concerning an alleged lack of novelty of the invention covered by claims 1, 5-10, 12-17, 21, 26-29, 32-34 of the present application. It is the Examiner's position that the subject matter presented at a meeting in Leysin Switzerland was the result of work by a different inventive entity than that named on the above identified patent application.

3. We hereby declare that the subject matter presented in Leysin Switzerland was the result of a collaborative inventive effort. We jointly co-invented the materials and methods for Gene Silencing disclosed in the presentation made at the meeting. Accordingly, the disclosed ~~subject matter was not known by "others" as asserted by the Examiner.~~

4. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

23 May 2002

Date

x 29 May 2002

Date

David Baulcombe

x [Signature]

Considered
8/23/02
PP